

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
Central Division

JEREMY A. ROWLES,)	
Plaintiff,)	Civil Action No.
)	
v.)	
)	
CURATORS OF THE)	
UNIVERSITY OF MISSOURI, et al.)	Boone County Case No. 17BA-CV03170
Defendant.)	Jury trial requested

NOTICE OF REMOVAL

Defendants Curators of the University of Missouri (“the University”), Cathy Scroggs, Ellen Eardley, Salama Gallimore, and Andrea Hayes (collectively “Defendants”), through counsel and pursuant to 28 U.S.C. § 1446 (a) and (b), hereby file this Notice of Removal of the above-titled action from the Circuit Court of Boone County, Missouri, to the United States District Court for the Western District of Missouri, Central Division. As grounds for removal, Defendants state as follows:

1. On December 6, 2017, Plaintiff Jeremy Rowles (“Rowles”), a former graduate student at the University of Missouri, filed a “First Amended Petition for Damages and Injunctive Relief” in the Circuit Court of Boone County, Missouri, alleging that he had been unlawfully suspended from the University after having been found responsible for violating the University’s policies prohibiting sexual harassment and stalking. His Amended Petition contains nine counts in which Rowles alleges that, in investigating the allegations against Rowles, finding him responsible, and sanctioning him for violating policy, some or all of the Defendants unlawfully interfered with

- Rowles's right to freedom of speech and applied policies that were unconstitutionally overbroad and vague (U.S. CONST. amend. I; 42 U.S.C. § 1983), deprived him of procedural and substantive due process (U.S. CONST. amend. XIV; 42 U.S.C. § 1983), and discriminated against him on the basis of his race and sex (42 U.S.C. § 2000d; Title IX, 20 U.S.C. § 1681; MO. REV. STAT. § 213.065).
2. Defendant University was served with the Amended Petition and accompanying summons on December 11, 2017.¹ The other named defendants were served the same day or thereafter.
 3. Pursuant to 28 U.S.C. § 1446(b), a defendant may file a notice of removal within 30 days after receipt of the initial pleading, if the case stated by the initial pleading is removable. The 30-day period begins to run when the defendant formally receives service of process with the accompanying pleading. *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 353-55 (1999). This Notice of Removal has been timely filed within 30 days of Defendant's receipt of Plaintiff's Amended Petition.
 4. It is plain on the face of the pleadings that this Court has original federal question jurisdiction over Rowles's constitutional claims and federal statutory claims because such claims arise under the laws of the United States.
 5. Rowles's state-law claims, brought under the Missouri Human Rights Act, arise from the same set of facts as his federal claims and are so related to his federal claims that they form part of the same case or controversy under Article III of the United States

¹ The state court's docket sheet indicates that the original Petition was filed on August 25, 2017, but that service was held at Rowles's request, and that no summons was issued as to any defendant until December 6, 2017, the same day the Amended Petition was filed.

Constitution. Therefore, this Court has supplemental jurisdiction over the state-law claims pursuant to 28 U.S.C. § 1367(a).

6. Accordingly, this civil action is removable under 28 U.S.C. § 1441(a) and (c).
7. Furthermore, a copy of all process and pleadings served upon Defendants is attached hereto as **Exhibit 1**, as required by 28 U.S.C. § 1446(a). Pursuant to 28 U.S.C. § 1446(d), Defendant will file a copy of this Notice of Removal in the Circuit Court of Boone County, Missouri, and will further serve a copy on Rowles's counsel.

WHEREFORE, Defendants pray that this case be removed from the Circuit Court of Boone County, Missouri, where it is now pending, to this Court, and that this Court exercise jurisdiction over this action as though the case had been originally instituted in this Court.

Respectfully submitted,

Office of the General Counsel
Stephen J. Owens, General Counsel

/s/ James B. Farnsworth
James B. Farnsworth (Mo. Bar. 59707)
farnsworthj@umsystem.edu

227 University Hall
Columbia, MO 65211
(573) 882-3211 (phone)
(573) 882-0050 (fax)
Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served via e-mail and sent via U.S.P.S. certified mail on December 15, 2017 to the following:

J. Andrew Hirth
TGH Litigation
913 E. Ash St.
Columbia, MO 65201
andy@tghlitigation.com

Attorney for Plaintiff

/s/ James B. Farnsworth
Counsel